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8 IN THE UNITED STATES DISTRICT COURT
9 FOR THE EASTERN DISTRICT OF CALIFORNIA

10 UNITED STATES OF AMERICA,

11 Respondent,

No. CR S-00-0340 LKK PAN P

12 vs.

13 ARMANDO BEJINES CORTEZ,

14 Movant.

FINDINGS & RECOMMENDATIONS

15 _____/
16 Movant is a federal prisoner, without counsel, seeking post-conviction relief. See
17 28 U.S.C. § 2255. December 13, 2005, the court found movant's application for post-conviction
18 relief was untimely, gave movant 30 days to demonstrate he is entitled to equitable tolling and
19 warned movant that failure to comply would result in a recommendation the application for post-
20 conviction relief be dismissed as untimely.

21 The 30 days have passed and, other than seeking (and obtaining) additional time
22 to comply, movant has not responded to the December 13, 2005, order.

23 Accordingly, IT IS HEREBY RECOMMENDED that movant's September 22,
24 2005, motion to vacate be dismissed as untimely.

25 These findings and recommendations are submitted to the United States District
26 Judge assigned to the case, pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within 20 days

1 after being served with these findings and recommendations, movant may file written objections.
2 The document should be captioned "Objections to Magistrate Judge's Findings and
3 Recommendations." Failure to file objections within the specified time may waive the right to
4 appeal the District Court's order. Martinez v. Ylst, 951 F.2d 1153 (9th Cir. 1991).

5 DATED: March 21, 2006.

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